

ZONING BOARD OF APPEALS MEETING MINUTES

JULY 11, 2005

PRESENT: Mary Cardin, Adam LaFleche, Duane Zahner (arr. 7:06 p.m.), Robert Palozej, Mark Spurling and Alternate Robert Wambolt

ABSENT: Kenneth Braga and Alternate Joseph Snyder

STAFF

PRESENT: Rob Phillips, ZEO (arr. 7:10 p.m.) and Reanna Goodreau, Recording Secretary

I. CALL TO ORDER:

Chairman Cardin called the Zoning Board of Appeals (ZBA) meeting to order at 7:05 p.m. at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS: NONE

III. PUBLIC HEARINGS:

1. #V200513—Frank & Victoria Randall for variances to Ellington Zoning Regulations, Section 5.2 Area & Yard Requirements Schedule: to reduce the front yard setback from 35 feet to 26 feet and to reduce the side yard setback from 10 feet to 9 feet for a 32' x 18' addition on property located at 31 Glenwood Road, APN 071-023-0000 in an A Zone.

TIME: 7:06 p.m.

SEATED: M.Cardin, A. LaFleche, D. Zahner, R. Palozej, M. Spurling and R. Wambolt

Jay Ussery, J.R. Russo & Associates came forward to explain the changes made to the application. He stated that the length of the garage has been reduced from 32' to 26', which eliminates the need for the front yard setback variance. He noted that they are still requesting a 1' side yard setback variance to allow for the overhang of the structure into 10' required side yard. Chairman Cardin asked if the width of the addition could be reduced to 17' to eliminate the need for the side yard setback and was told that since they are also adding living space above the garage, they would like to maintain as much square footage as possible.

Commissioner Palozej noted that he has read the meeting minutes from the June 6, 2005 and feels he is informed to vote on this application.

MOVED (SPURLING), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200513—FRANK & VICTORIA RANDALL.

MOVED (SPURLING), SECONDED (WAMBOLT) AND PASSED (ABSTAINED: CARDIN) TO APPROVE #V200513— FRANK & VICTORIA RANDALL FOR A VARIANCE TO REDUCE THE SIDE YARD SETBACK FROM 10 FEET TO 9 FEET FOR AN ADDITION.

HARDSHIP: LOT CONFIGURATION & BUILDING PREDATES ZONING.

PER THE APPLICANT'S REQUEST (#V200509), THE COMMISSION AGREED TO GO OUT OF AGENDA ORDER.

3. #V200515—AGME Enterprize, LLC for variances to Ellington Zoning Regulations, Section 7.7b(6)(a)(2) Detached Signs Permitted in C, PC, I, & IP Zones and Section 7.7b(8)(b) Illumination; to allow for a detached sign within the required 15 foot setback from lot lines and to not require Planning and Zoning Commission review for interior illumination of said detached sign on property located at 55 West Road, APN 012-019-0000 in a C Zone.

Chairman Cardin asked the applicant if she completed the mailings by Certificate of Mailing. Yovana McGuirl, AGME Enterprize, LLC, stated that she had done the mailings, but only by regular mail. Chairman Cardin stated that they would need to table the hearing to the August meeting in order for her to do the mailing by Certificate of Mailing.

Ms. McGuirl expressed her dissatisfaction with the process, stated that she has had a difficult time trying to open her business and that it has become a financial burden.

Commissioner Wambolt reviewed the plan and noted that it would be helpful to submit a more detailed plan, which shows the distances of the sign to the property lines. Commissioner LaFleche agreed.

DUE TO THE APPLICANT'S FAILURE TO COMPLETE THE REQUIRED MAILINGS BY CERTIFICATE OF MAILING, THE COMMISSION TABLED #V200515 TO THE 8/1/05 MEETING.

2. #V200509—FWL Enterprises, LLC for variances to Ellington Zoning Regulations, Section 7.7b(6)(a)(2) Detached Signs Permitted in C, PC, I, & IP Zones, Section 7.7d1(b) Minimum Parking & Loading Space Requirements, Section 7.7d2(e) Description of Parking Facilities, Section 7.7d5(a)&(c) Location of Parking Facilities, Section 7.7d7(b) Landscaping & Lighting: to allow existing detached sign within 11 feet of property line (required 15 feet); to not be required to comply with minimum parking & loading space, landscaping & lighting requirements for the new construction; to allow parking spaces that are 9 feet by 18 feet for parking spaces that are at 90 degrees (required 10 feet by 18 feet); to allow parking within 12 feet of a commercial structure (required 20 feet

separation) & to allow parking within 20 feet of the front property line (required 30 feet); to allow interior landscaping at 12% (required 15%); for construction of four self-storage buildings, construction of a 1,500 sq. ft. one-story commercial building, construction of a 1,320 two-story commercial building and associated improvements and changes to existing restaurant/bar on property located at 117 Stafford Road, APN 148-087-0000 in a C Zone.

TIME: 7:25 p.m.

SEATED: M.Cardin, A. LaFleche, D. Zahner, R. Palozej, M. Spurling and R. Wambolt

Judy Schuler, Design Professionals, Inc., came forward to review the revised plan. She explained that changes have been made to the parking and buffering in order to address concerns of the public and the commission. Ms. Schuler stated that implementing these changes have eliminated the need for some of the variances. She stated that by reducing the number of spaces from 32 to 25 they were able to increase the interior landscaping in order to meet the zoning requirements and eliminate the need for a variance. The request to allow 9' x 18' parking spaces remains, but hairpin striping was added. The amount of screening along the property lines was increased and the type of fencing used has been defined.

Peter DeMallie, Design Professionals, Inc., reviewed the requested variances and noted which variances had been eliminated and the reasoning for them being eliminated. The variance for the reduction of the buffer strip was eliminated by removing the parking from the 30' buffer area. The variance for parking within 20' of the proposed building has been eliminated by redesigning the parking. However, the variance for parking within 12' of the existing building remains. The variance for parking within 50' of a municipal facility has been eliminated since no parking is within that distance to West Shore Road. The variance for the interior landscaping has been eliminated by redesigning the parking. The variance for the sign was eliminated because the sign has been there for over 3 years without enforcement action. Variances are still be requested for parking within 30' of the front yard setback and parking spaces that are 9' x 18'.

There was discussion about the mobile vegetable cart and the commission agreed that if the variances are approved, it does not include an approval of the vegetable cart. Chairman Cardin asked why the building size hadn't been reduced to eliminate the need for other variances and was told that removing square footage does impact the site enough to alleviate the need for the variances. Mr. DeMallie explained that no parking calculations were used for the self storage units because no parking is used for the units; people drop off and pick items up. He noted that the units are only designed for self storage and if the owner wanted to change that use, he would need town approval to do that. The commission decided that the Planning and Zoning Commission would determine if additional parking was required and if so, the applicant may need to reapply to the Zoning Board of Appeals to request more variances.

MOVED (SPURLING), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200509— FWL ENTERPRISES, LLC.

MOVED (SPURLING), SECONDED (WAMBOLT) AND PASSED (ABSTAINED: PALOZEJ) TO APPROVE #V200509— FWL ENTERPRISES, LLC FOR A VARIANCE TO ALLOW PARKING WITHIN 12 FEET OF AN EXISTING BUILDING ONLY (REQUIRED: 20 FEET SEPARATION).

HARDSHIP: LESSENING AN EXISTING NON-CONFORMITY.

MOVED (SPURLING), SECONDED (ZAHNER) AND PASSED (ABSTAINED: PALOZEJ) TO APPROVE #V200509— FWL ENTERPRISES, LLC FOR A VARIANCE TO ALLOW 9 FEET BY 18 FEET PARKING SPACES THAT ARE AT 90 DEGREES (REQUIRED: 10 FEET BY 18 FEET).

HARDSHIP: LESSENING AN EXISTING NON-CONFORMITY.

MOVED (SPURLING), SECONDED (WAMBOLT) AND PASSED (ABSTAINED: PALOZEJ) TO APPROVE #V200509— FWL ENTERPRISES, LLC FOR A VARIANCE TO ALLOW PARKING SPACES WITHIN 20 FEET OF THE FRONT PROPERTY LINE (REQUIRED: 30 FEET).

HARDSHIP: LESSENING AN EXISTING NON-CONFORMITY.

IV. UNFINISHED BUSINESS:

1. General Discussion of Zoning Regulations

Commissioner Spurling explained that he is concerned that there is no regulation that addresses impervious surface limits in residential zones, especially in the Crystal Lake and Shenipsit Lake watersheds. The commission agreed that it is important to have limitations on impervious surfaces.

MOVED (SPURLING), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO RECOMMEND THAT THE PLANNING & ZONING COMMISSION CONSIDER ADDING IMPERVIOUS SURFACE LIMITS IN THE RESIDENTIAL ZONES. IT IS FURTHER RECOMMENDED THAT THE COMMISSION CONSIDER DIFFERENT IMPERVIOUS SURFACE LIMITS WITHIN THE CRYSTAL LAKE & SHENIPSIT LAKE WATERSHEDS.

V. NEW BUSINESS: NONE

VI. ADMINISTRATIVE BUSINESS:

1. Approval of Meeting Minutes:

a. April 4, 2005 Meeting Minutes

MOVED (WAMBOLT), SECONDED (PALOZEJ) AND PASSED (ABSTAINED: ZAHNER & SPURLING) TO APPROVE THE APRIL 4, 2005 MEETING MINUTES.

b. June 6, 2005 Meeting Minutes

MOVED (SPURLING), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO APPROVE THE JUNE 6, 2005 MEETING MINUTES.

2. Correspondence:
 - a. Zoning Bulletin: Horace v. Zoning Board of Appeals of the Town of Salem
 - b. Memo to Dennis Milanovich from Matt Davis, dated 6/16/05 (R. Phillips Recommendation for Permanent Appointment)

SO NOTED.

Chairman Cardin stated that she had received a report from the Zoning Enforcement Officer, which notes that there are approximately 13 outstanding complaints, that 50 zoning permit applications were submitted in June and that 47 zoning permits were issued in June.

VII. ADJOURNMENT:

MOVED (SPURLING), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 8:31 PM.

Respectfully Submitted,

Reanna Goodreau
Recording Secretary